

### **State Fish and Wildlife Agency Statutory Authorities**

Establish or affirm the authorities appropriate and necessary to accomplish the Wildlife Diversity Program mission (excerpted from Functional Model for an Enhanced Wildlife Conservation, Education and Recreation programs as adopted by the Association of Fish and Wildlife Agencies Sept 1999). Relevant authorities include state laws, rules, regulations, policies such as Cooperative Agreements, and Memorandums of Understanding (MOUs), but federal and other authorities may also be applicable (e.g. Pittman-Robertson; Dingell-Johnson; Endangered Species Act Section 6 Agreement; Migratory Bird Act; Lacey Act; CITES).

- a. **Existing authorities:** Identify the existing, relevant federal laws and state laws, rules, regulations, policies, cooperative agreements, and MOUs.
- b. **Additional authorities:** Develop any additional authorities essential to program function, including state laws, rules, regulations, and policies.
- c. **Other management agencies:** Identify areas in which the Wildlife Diversity Program will function by developing cooperative agreements and MOUs with, and thus influencing, other entities with the appropriate legal authorities (e.g. Departments of Agriculture, Environmental Quality, State Parks, Water Resources).
- d. **Nongovernmental cooperators:** Identify areas in which the Wildlife Diversity Program will function by developing cooperative agreements and MOUs with partners (e.g. Water Management Districts, conservation organizations, private nature preserves).
- e. **Informal influence:** Work to accomplish program objectives through influence and leadership in areas where there may be no clear written authorities.

#### **Authorities (as needed):**

- f. Establish statutory definition for Wildlife Diversity Program and "nongame" wildlife.
- g. Establish desired authority over invertebrates, plants, and all vertebrates.
- h. Establish desired authority and goal/policy statement for preserving wildlife diversity, including functioning natural communities or ecosystems.
- i. Establish desired authority to maintain state lists of special concern, rare, sensitive, and endangered species and ecological classification systems, and to use such lists as a framework for conservation planning (with region-specific goals and objectives).
- j. Establish desired authority to respond to petitioned listing/delisting actions.
- k. Establish adequate civil and criminal penalties for all species.
- l. Establish appropriate restrictions for "take" (e.g. collecting), possession, importation, exportation, commercialization, captive breeding, pet trade, and/or live release of native and non-native species.
- m. Ensure that "take" of wildlife is statutorily defined to include habitat destruction and scientific or educational salvage of dead wildlife.
- n. Establish authority to appropriately restrict public access to sensitive species information, and to recoup costs of providing information to the public.
- o. Establish desired authority to provide incentives (e.g. payments or habitat enhancements) on private lands or technical assistance to private property owners to benefit wildlife.
- p. Establish in-lieu tax payment authority for use in acquiring lands.